IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Newport News Division

UNITED STATES OF AMERICA
Plaintiff

v. Criminal No. 4:20CR000017 (DJN)

KARL BURDEN-EL BEY,
Defendant.

SENTENCING GUIDELINE ORDER

1. The sentencing hearing shall be scheduled no earlier than NINETY (90) DAYS) DAYS following a finding or verdict of guilty, and sentencing is scheduled in this case on DEC. 7, 2021 at 11:00 A.M..

2. Counsel for the defendant shall attend any interview of the defendant conducted by the Probation Office in the course of the presentence investigation.

3. The presentence investigation report, including guideline computations, shall be completed and provided to the parties at least THIRTY-FIVE (35) DAYS prior to the sentencing hearing. This Order shall operate as notice to counsel that the presentence investigation report will be available in the Probation Office THIRTY-FIVE (35) DAYS prior to the sentencing hearing. The presentence investigation report shall not be disclosed to persons other than the defendant, unless otherwise ordered by the Court.

4. At least TWENTY-ONE (21) DAYS prior to the sentencing hearing, the parties must state in writing to the Probation Office and opposing counsel any objections to the

presentence investigation report, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report.

5. Any party objecting to the presentence investigation report must seek resolution of all objections in conference with opposing counsel and the Probation Office as soon as possible, but no later than SEVENTEEN (17) DAYS prior to the sentencing hearing. The presentence conference is mandatory, except when the contents of the presentence investigation report are not in dispute, and the complaining party shall be responsible for scheduling the conference with the Probation Office and opposing counsel.

6. Counsel for the defendant and the government shall file and serve sentencing pleadings (as defined in paragraph 7) FOURTEEN (14) DAYS prior to the sentencing hearing. Responses and replies thereto shall be filed and served SEVEN (7) and FOUR (4) days, respectively, prior to the sentencing hearing. Copies shall be delivered to the Probation Office on the same schedule.

7. The sentencing pleadings shall include (1) a statement that there are no objections to the presentence investigation report, if applicable; (2) notice of any objections to the presentence investigation report and any supporting evidence, documents, or affidavits; (3) any motion for upward or downward departure or motion for variance sentence. The Court shall resolve objections and motions upon the submissions of the parties and will hear testimony only for good cause shown.

8. The Probation Office shall transmit to the sentencing judge the presentence investigation report, including guideline computations and an addendum indicating any unresolved objections, no later than FOURTEEN (14) days prior to the sentencing hearing.

9. The time periods set forth above may be modified by the Court for good cause shown. Time periods under this Order shall be CALENDAR days. In computing any period of time under this Order, if any deadline falls on a Saturday, Sunday, or holiday, the deadline shall be the last business day prior to the Saturday, Sunday, or holiday.

It is SO ORDERED.

/s/
David J. Novak
United States District Judge

Newport News, Virginia
Date: July 9, 2021

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THE SENTENCING GUIDELINE ORDER.

Laura P. Taylor
Counsel for the Defendant*

7/9/2021
Date

Counsel for the United States

7/9/21
Date

*Counsel for the Defendant shall send a copy of this Order to the Defendant.